

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**IN RE:
Arturo Garcia**

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CASE NO: 16-52882G

DEBTOR(S)

CHAPTER 13

**DEBTOR'S OBJECTION TO THE TRUSTEE'S MOTION TO DISMISS CHAPTER 13
CASE FOR FAILURE TO TURNOVER TAX RETURN AND/OR REFUND, AND
DEBTOR'S REQUEST FOR HEARING**

TO THE HONORABLE BANKRUPTCY JUDGE:

The Trustee moved to dismiss the Debtor's case for failure to produce a copy of the 2017 Federal Income Tax Return under 11 U.S.C. §521(f)(1) and L. Rule 3015(a). The Trustee also seeks turnover of the Debtor's 2017 tax refund. The Debtors objects to the motion and responds as follows:

1. If the Debtor has a filing requirement, the Debtor will provide a copy of the 2017 income tax return before the hearing date; and
2. Dismissal of the case for failure to turnover a tax refund is not proper because it is not disposable income.

PRAYER

The Debtor asks the Court to deny the Trustee's motion, and the Debtor requests any relief to which Debtor may be entitled.

Respectfully submitted,

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ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on June 1, 2018, service of a copy of the attached has been accomplished by **CM/ECF to Mary K. Viegelahn, Chapter 13 Trustee**, and by first class mail, postage paid, or hand delivered to the parties in interest listed below.

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U.S. Trustee
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